

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JIMMY L. STEWART,
Petitioner,

No. C 08-4342 MHP (pr)

ORDER OF TRANSFER

v.

BEN CURRY, Warden,
Respondent.

Jimmy L. Stewart has filed a petition for writ of habeas corpus to challenge his conviction from the Sacramento County Superior Court. Sacramento County lies within the venue of the Eastern District of California. Stewart is currently incarcerated at the Correctional Training Facility in Soledad. Soledad is in Monterey County, within the venue of the Northern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, a petition challenging a conviction is preferably heard in the district of conviction. Habeas L.R. 2254-3(b). Because the conviction occurred in the Eastern District of California, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interest of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California.

IT IS SO ORDERED.

DATED: December 18, 2008


Marilyn Hall Patel
United States District Judge